OLC 74-0179

4 February 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Senate Select Committee on Presidential Campaign Activities Testimony of 4 February 1974

1. This, the first day of hearings involving Agency witnesses to testify under oath in executive session with Vice Chairman Howard Baker presiding, was held in S. 1418, Dirksen Office Building. Although scheduled to commence at 0930 hours, Senator Baker did not show up to swear in the witnesses until 1025 hours at which time he administered the oath to Mary McGillen, Robert Ritchie, Martin Lukoskie, and Erich Isenstead and then left.

2. Background:

a. As a result of previous sessions with Senator Baker and his counsel the following Agency witnesses were scheduled: Mary McGillen, Robert Ritchie, Martin Lukoskie, Erich Isenstead, James Angleton, Richard A. Krueger, Steven Greenwood, Dr. Sidney Gottlieb, Thomas Karamessines, Frank O'Malley, and Jacob Esterline.

b. Those witnesses who were able to assemble were met as a group on Saturday, 2 February, with Mr. Lansdale, Office of General Counsel, and myself meeting each one individually. It was pointed out to all that:

(1) Their appearance before the Committee was voluntary; the Agency was not directing them to appear, but, of course, the Committee had the power of subpoena.

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(2) They had the right to a private counsel and that Mr. Lansdale and I would sit in with them during the session and that our principal role would be to assure that the questioning did not get into sensitive areas unrelated to "Watergate."

c. Early in the hearing of 4 February 1974 it became clear that the Committee could in no way handle the five witnesses scheduled for the day, and that the Committee counsels had not had sufficient time to absorb the voluminous written material that we had provided them earlier in the week. As a result, with the agreement of Committee counsel we unplugged for now Messrs. Isenstead, Angleton, and O'Malley. Also, following the day's testimony which ended in the late afternoon, I stayed on into the evening to review all of the material that we had provided to the counsels to make sure that they would make better use of the time of all involved.

3. Presession Agreements:

Prior to the hearings Thompson agreed:

a. To the security arrangements which I outlined (see attachment).

b. To treat the testimony as exhibits under the 1 February 1974 understanding reached with Senator Baker.

c. That he thought it would be all right for us to have a copy of the transcript, but he didn't want us to show it to scheduled witnesses. (This is a fairly remote possibility because of the delay in getting transcripts.)

4. Mary Louise McGillen:

(Saturday Miss McGillen had mentioned that she had had a roommate who somehow knew Marchetti and that the former roommate had told her the Committee might be interested in talking to her, feeling that she had information relating to McCord's employment in the Agency.)

Miss McGillen testified from 1025 hours until 1040 hours and her testimony was completely uneventful. She identified Mr. Hollis Whitaker. Also, her uncertainty over whether McCord retired in 1970 or 1971 raised a possibility that she had seen McCord in Agency Headquarters in 1971 after McCord had retired, but eventually it was clarified that she had seen McCord before his retirement and not after it.

5. Robert Ritchie:

Mr. Ritchie testified from 1040 hours until 1235 hours, with Thompson questioning Ritchie for about 65 minutes. Ritchie acquitted himself extremely well and there were no surprises in his testimony.

a. Liebengood brought out the sudden TDY to Headquarters from Miami following the Watergate incident.

b. Some confusion arose because Ritchie was not sure of the date he took over Martinez, he thought it might have been some time in March 1972, when in fact it was late in April.

c. It is obvious that the counsels have some conflicting testimony concerning the discovery of Martinez' car in the Miami airport following the arrests in June 1972.

6. Martin Lukoskie:

During Mr. Lukoskie's testimony, which commenced at 1300 hours, I moved to go off the record a number of times on the following points:

a. Thompson wanted to know who we dealt with in General Foods to lay on cover arrangements. I told him we were getting into unchartered waters because I didn't know where his questioning was going to end up. He said his interest was to find out the names of the individuals and companies with which CIA had a relationship in Mexico over the last ten years. I requested that he rephrase his

question so that we could respond only with respect to the particular companies or individuals in which he was interested. As a concession, he cut down the period from the last ten years to "since 1971" and I said we would note his request.

b. Thompson asked about CIA relationships with the Mormon church, the Summa Corporation, or the Hughes Tool Company. (Thompson said he had specific information that we had something with the Mormon church.) I suggested that if he is interested in whether the Agency had any relationship with these three institutions in connection with CIA's relationship with the Mullen Company, he rephrase the question. Thompson refused to do this and I said we would note his request.

c. Thompson wanted a full explanation of the "WH flap." I told Thompson this involved a sensitive and active situation which had been explained to Senator Baker and that Lukoskie was not an Agency witness in this respect, but we would note his interest and see what could be provided. (I believe Thompson has already been fully exposed to the "WH flap" in an executive hearing with Bennett during which Baker asked if Bennett knew what the WH flap was all about. Baker later told me that Bennett did know, and explained it to Baker. I assumed that Bennett may have gotten this information from Jim Everett.) Thompson observed the parallel which exists between the position of CIA with respect to the "WH flap" and the White House with respect to issues it did not wish to be explored by the Attorney General in connection with the activities of the Plumbers (an observation I have been expecting for some time, but this is the first time it has been presented directly.)

Mr. Lukoskie's testimony was excellent with no surprises and generally paralleled that given to Senator Baker in the Senator's office on 11 December 1973:

a. Concerning any general logs that CCS maintains on contacts with cover firms, Lukoskie explained that internal procedures had changed some time in December 1972 on the information to be maintained in the logs. To assure his responsiveness to a specific question, I refreshed Lukoskie's

memory on an entry in a CCS log on a call in June 1972 between the Agency and the Mullen Company in which it was not clear either who initiated the call or who was contacted in the Mullen Company.

Follow up: Provide any extant memorandum reflecting the change in information to be covered in the CCS log.

b. In response to counsel's questions, Lukoskie said he had no knowledge of (1) a Greenspun memorandum, (2) a Mr. Waite (sp?) of General Foods, and (3) Mr. Hemlick (sp?) of ANA (Association of National Advertisers).

c. The counsels focused in on the meetings between Mr. Hunt and Messrs. Cord Meyer and Tom Karamessines.

d. In characterizing Mr. Bennett as an individual in whom he did not have a great deal of trust, as contrasted with Mr. Mullen, Lukoskie mentioned Bennett's suggestion that Lukoskie would be well taken care of if he could assist in getting unfavorable information on Mr. Maheu.

7. Following the hearings, I stayed on with the counsel and we reviewed late into the evening the voluminous material previously provided by the Agency to assure that they could make more effective use of the time of all involved and hopefully to get to the bottom of whatever is troubling them.

During the session I made it clear that I was puzzled by their questioning during the day since it was apparent that they had not yet absorbed the information we had already provided and which we think satisfactorily answers the questions they had raised. Restating a point that I had made previously, I said that while I did not personally believe so, their investigation had the appearance of a fishing expedition and that if they continued it would be unavoidable that we would have to disclose more and more sensitive information which had no bearing on the case and which I assumed

they had no desire to obtain. I said that I felt that serious consideration should be given to either advising Mr. Colby about the particulars, or if that was not satisfactory, to at least advise our oversight Committee chairmen and ask them to investigate whatever serious leads had been developed in the secure environment structured for the oversight of sensitive CIA matters. Mr. Thompson admitted this suggestion had some merit.

SIGNED

LYLE L. MILLER
Deputy Legislative Counsel

Att.

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